

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
ALVARO GARCIA,

Plaintiff,

-v-

HERRELL WATTS, et al.,

Defendants.
-----X: : : : :
08 Civ. 7778 (JSR)

ORDER

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| USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>9-1-09</u> |
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JED S. RAKOFF, U.S.D.J.

On April 22, 2009, the Honorable Henry Pitman, United States Magistrate Judge, issued a Report and Recommendation ("Report") in the above-captioned matter recommending that the Court grant the motion of defendants the Federal Defenders of New York, Inc. (the "Federal Defenders") and staff attorney Michael Weil to dismiss all claims against them pursuant to Fed. R. Civ. P. 12(b)(6).

Neither party has filed any objection to the Report, and for that reason alone, the parties have waived any right to further appellate review. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly, the Court hereby adopts the Report, and, for the reasons stated therein, grants the motion of Weil and the Federal Defenders in its entirety. The Clerk of the Court is directed to close entry number 6 on the docket for this case.

SO ORDERED.

Dated: New York, NY
September 1, 2009

JED S. RAKOFF, U.S.D.J.